

Appl. No. 10/712,607
Response dated November 12, 2004
Reply to Office Action of July 12, 2004

Remarks/Arguments

Prior to filing of this Amendment, the undersigned counsel and named Examiner participated in a telephone interview. During the interview the claims and objections were discussed but no agreement was reached.

The Examiner rejected Claims 1-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent #5,129,652 to Wilkinson ("Wilkinson" hereinafter). Wilkinson is distinguishable from the present invention. In Wilkinson the patron obtains a lottery ticket upon entering the parking lot of a casino. The ticket contains personal indicia. In the casino, a drawing of indicia is conducted and the winning indicia is posted on a tote board. While the patron is in the casino, the patron may view the tote board to see if the winning indicia match the indicia of the patron's ticket. (Wilkinson claim 25).

Accordingly, Wilkinson teaches a method to keep the patron in the casino as long as possible and does not focus on the transaction at the time of payment because by the time the patron pays he or she has left the casino and the invention no longer extends any influence over the patron.

Wilkinson does not anticipate the elements of the present invention because Wilkinson dispenses a ticket to be used only while in the casino so it encourages the

Appl. No. 10/712,607
Response dated November 12, 2004
Reply to Office Action of July 12, 2004

patron to stay in the casino for multiple drawings of indicia in the hopes that the ticket contains winning indicia.

In contrast, the claims in the present invention describe a method that encourages the patron to use the parking lot, is not concerned about how long the patron uses the parking lot, and does not provide an incentive to patronize any other business but the parking lot. Additionally, the present invention claims a method that attracts parking lot patrons because it saves them time and spares them the inconvenience of standing in line to purchase entries in a lottery. In contrast, Wilkinson teaches a method that is designed to encourage the patron to spend as much time as possible in the casino that runs the parking lot. The entry into the casino run lottery is merely a device to increase patronage of the casino. Thus, there is no feature of time saving or convenience set forth in Wilkinson.

Finally, where the present invention focuses on dispensing the lottery ticket at the time of payment, Wilkinson teaches using the ticket before paying for parking because the patron in Wilkinson receives the ticket with the indicia at the time they enter the casino parking lot. Other than indicating the amount of time the patron used the parking lot, there is no other use for the ticket being dispensed. In contrast, the present invention teaches that upon payment for parking the ticket dispensed is documentation of entry into one or more lotteries. Thus, Wilkinson actually teaches away from the method in the

Appl. No. 10/712,607
Response dated November 12, 2004
Reply to Office Action of July 12, 2004

present invention because the ticket dispensed in Wilkinson is intended to encourage the patron to stay in the casino and watch the drawings. Once the patron leaves the casino and is paying for parking, the usefulness of the ticket dispensed is extinguished.

The Examiner rejected claims 1-11 under 35 U.S.C. 102(a) as being anticipated by Japanese KOKAI Publication #JP 2003242539 to Nippon Packing Co. ("Nippon" hereinafter). However, it is respectfully submitted that Nippon is not properly considered prior art with respect to the present invention as the present invention claims priority from Application # 60/425,927 that has a filing date of November 12, 2002. that precedes the priority date of Nippon which has a publication date of August 29, 2003. Thus, the rejection under 102(a) is not proper.

Notwithstanding the publication date of Nippon, it is easily distinguished from the present invention. Nippon describes a system wherein the parking lot patron is automatically entered into a lottery such as roulette to determine if the patron wins free parking. ("During the parking charge settlement operation, the lottery apparatus is operated and the parking expense of the user is returned according to the winning condition of the user with respect to the lottery apparatus".) See Nippon, paragraph describing NOVELTY). In other words, Nippon only gives the patron a chance to win free parking. In contrast to the present invention, Nippon does not describe a method that

Appl. No. 10/712,607
Response dated November 12, 2004
Reply to Office Action of July 12, 2004

allows patrons to avoid long lines to purchase a lottery ticket. Accordingly, Nippon does not teach the method described in the present invention.

The Examiner cited U.S. Patent #4,241,943 to Malinovitz for showing a combination parking ticket/lottery system. It is respectfully submitted that Malinovitz is not an applicable reference to the present invention. Malinovitz describes a parking card with a friable coating that can be hung from a car window. (see claim 1). There is no mention of the purchaser of the invention in Malinovitz being able to simultaneously purchase a lottery chance as described in the present invention. Accordingly, Malinovitz does not anticipate the claims of the present invention.

The Examiner cited U.S. Patent Publication #20030171985 ("#985" hereinafter) for showing a fuel dispensing/lottery ticket combination. It is respectfully submitted that #985 is not an applicable reference to the present invention. Review of the same, attached hereto for the Examiner's convenience reveals no claims combining a lottery transaction with a fuel purchase. However, it is acknowledged that prior art describes combining fuel dispensing with a lottery transaction. (See U.S. Patent #6,364,206 to Keohane) Even so, the present invention is easily distinguished from such a combination. There is no description of combining a lottery transaction with a pay for park transaction in any of the prior art. To the extent it might be argued that such is an obvious combination, real world experience suggests otherwise. Presently, and despite the

Appl. No. 10/712,607
Response dated November 12, 2004
Reply to Office Action of July 12, 2004

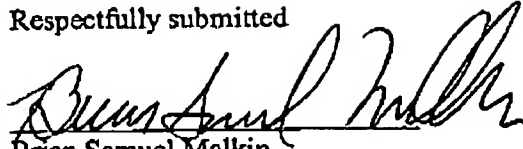
publication of the above applications, there are no parking garages that combine lottery transactions with the payment transaction.

Assuming there are stores within the parking garages wherein the stores sell lottery tickets, the present invention is completely different because this ingenious invention requires no human operator or line for purchasing the lottery tickets. In contrast, any store located within the parking garage would be selling lottery tickets by way of a person operating a lottery ticket-dispensing machine. Thus, it can be appreciated that the possible long lines and time expended purchasing a lottery ticket from a store located within the parking garage are completely eliminated by the present invention which combines the payment for parking with the lottery ticket transaction while the patron remains inside the automobile.

In summary, it is respectfully submitted that this application, including claims 1-11, is in a condition for allowance. Notice to the effect is hereby earnestly solicited. In the event it appears that claims will not be allowed, the Examiner is invited to telephone the undersigned prior to the issuance of a second Office Action.

Appl. No. 10/712,607
Response dated November 12, 2004
Reply to Office Action of July 12, 2004

Respectfully submitted



Brian Samuel Malkin
Registration No. 48,329
Malone Middleman, PC
117 VIP Drive - Ste 310
Wexford, PA 15090
(724) 934 6888
(724) 934 6866

Attorney for the Applicant